

**CROSS CREEK  
PLANNING COMMISSION'S DEVELOPMENT CONDITIONS  
SPEX07-SC-013  
SPEX07-SC-014  
July 19, 2007  
August 17, 2007  
August 28, 2007  
September 28, 2007**

*Note: These conditions are in draft form and are subject to modification, revision and addition to address issues raised in the review and public hearing process.*

1. This Special Exception is granted for, and runs with, the land identified in the above-referenced application.
2. This Special Exception is granted for the use and development of the Cross Creek Shopping Center on Route 29/15 and State Route 600, in the Scott Magisterial District. Development of the Shopping Center shall further be as proffered in the Cross Creek Proffer Statement dated \_\_\_\_\_, and accepted by the Board of Supervisors on \_\_\_\_\_ (proffers applicable to the "Rezoned Area"). Collectively the Cross Creek property that constitutes the development shall be referred to as the "Property".
3. The Property shall be developed in general conformance with the Conceptual Development Plan/Special Exception Plat prepared by Patton Harris Rust & Associates, PC, ("PHRA") dated May 23, 2007, (the "CDP/SE Plat"), and the "Cross Creek New Baltimore Architectural, Landscaping, Signage, Parking and Transportation Exhibits," dated September 10, 2007, (the "Exhibits"), except as otherwise modified to meet the conditions herein.
4. The use and development of the Property shall be subject to the County's C-2 Zoning District regulations except as may be otherwise provided herein.
5. The total gross square footage authorized for the Property shall not exceed 255,000 gross square feet, of which the Costco building shall be included in said total. Buildings in the Rezoned Area shall be subject to the terms and conditions of that rezoning, subject to the limits aforesaid.
6. The following uses shall be allowed:
  - a) a Costco store, with up to 148,000 square feet of retail space and tire center, ancillary office space not to exceed 2,500 square feet and separate but associated gas facilities, not to exceed 12 pumps;

- b) retail shops, including antique shop and convenience store, with no single user exceeding 30,000 square feet;
  - c) drive-through facilities (on existing C-2 portion of site only);
  - d) financial institution;
  - e) indoor theater;
  - f) veterinary clinic;
  - g) farm supply establishment;
  - h) business or professional office;
  - i) eating establishment, excluding fast-food;
  - j) repair service establishments
  - k) laundry/dry-cleaning pick-up and full service under 5,000 sq.ft.;
  - l) furniture repair/cabinet making/upholstery;
  - m) barber/beauty shop;
  - n) photographic studio;
  - o) car wash
  - p) vehicle part sales, installation (not including auto repair garage);
  - q) hotel, motel;
  - r) any other use subsequently determined by amendment to the Zoning Ordinance to be part of a shopping center;
  - s) additional uses shall only be authorized by amendment to this special exception.
7. Applicant shall be permitted to have three (3) drive-through facilities outside the area subject to the proposed C-2 rezoning. No drive-through facilities, car wash or service station shall be permitted in the area proposed for C-2 zoning with REZN07-SC-007.
8. During site plan approval, changes to the shopping center layout may be allowed, provided the revised layout meets all conditions of the special exception approval and further provided the revised layout meets the following requirements and all other codes and ordinances:
- a) The total square footage at the shopping center shall not exceed 255,000 sq. ft.
  - b) The Costco building footprint shall not exceed 150,000 square feet, not including the canopy area. No other building on site shall exceed 30,000 square feet, provided further that no building or that portion of a larger building in the Rezoned Area shall exceed 12,000 sq. ft.
  - c) Buildings and parking shall be located no closer to Route 600 than shown on the CDP/SE Plat, and no more than one building shall have a service drive or other pavement between the building and Route 600.
  - d) Upon buildout of the Property the maximum amount of development in the Rezoned Area shall not exceed 45,000 sq. ft.; further no fewer than four buildings shall be constructed in said Area, and there shall be not less than 70 feet of separation between each such building.

9. No additional entrances into the shopping center shall be provided on Cross Creek Drive.
10. Architectural concepts shall remain generally consistent with the architectural features illustrated in the Exhibits, and shall employ a coordinated architectural design for the entire center, to include buildings, signage, lighting, lighting and other features.
11. A Site Plan shall be required for any uses on the Property pursuant to Article 12 of the Zoning Ordinance.
12. A Parking Agreement for the shared use of parking spaces on the site shall be provided to the County for review and approval prior to Site Plan approval. This shall not prohibit the Applicant from reserving a limited number of parking spaces for a particular user/tenant.
13. No overnight parking of boats, trailers, or camper type vehicles shall be permitted on the Property.
14. Building setbacks from the Cross Creek exterior property lines, and the interparcel connector as shown on the CDP/SE Plat, shall be not less than as depicted on that Plat.
15. Instruments establishing a Cross Creek property owners' association for all land encompassed in the SE shall be submitted to the County for review and comment prior to Site Plan approval, and shall be recorded contemporaneously with, or prior to, the sale of the first parcel from the Property. Such instruments shall incorporate, inter alia, common ownership and maintenance of stormwater management/BMP facilities, landscaping, parking agreements/arrangements, parking lot maintenance, private streets, open space, and related "community" features on the Property. Such documents shall be in conformance with applicable County ordinances and standards.
16. All buildings shall be limited to a maximum height of thirty-five (35) feet as defined by the Zoning Ordinance.
17. Pursuant to Section 8-1500.1 of the Zoning Ordinance, an increase in signage is authorized for Costco consistent with Exhibit A ("Costco Signage Area Tabulation") dated June 26, 2007; however, the specific amount of signage shall be limited to:
  - a). Three 4 ft. "C" signs each measuring 73.06 square feet, totaling 219.18 S.F.
  - b). One Tire Center sign measuring 9.92 square feet.

**Comment [W1]:** Former provisions relocated to proffers.

- c). Four “Costco Gasoline” signs each measuring 18.38 square feet, totaling 73.52 S.F.
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- 18. All signage shall be channel letter type, with no internal illumination, and the total amount of signage shall not exceed 303 square feet, based on the calculation of the aggregate area of the individual channel letters as provided in Section 8-1500.1B(1) of the Zoning Ordinance. Said calculation shall be certified by Costco’s architect.
  - 19. All signage must meet the requirements of Article 8 of the Zoning Ordinance. All non-Costco signage at the center shall be designed in a coordinated fashion to complement the building design as determined by the Director of Community Development, in consultation with the Applicant. An overall sign package for the project showing the general type, location and size (square footage and height) for all signage shall be submitted prior to site plan approval with the first site plan for any building other than the Costco building. Amendment to the sign package may be made from time to time to accommodate specific tenants or company logo, provided such changes are coordinated with the overall design concept.
  - 20. Freestanding exterior lighting shall have uniform material, style, and color throughout the Property.
  - 21. Landscaping shall be generally consistent with the landscaping design and materials illustrated in the Exhibits, and the CDP/SE, as modified by the following additional requirements:
    - a) In addition to the proposed landscaping, a screening fence shall be provided along the property boundary adjoining PIN#7906-82-9369. This fence shall extend from the southern boundary of the proposed interparcel connector road to the rear elevation of the existing residential structure. This condition shall be void if the full thirty (30) foot buffer is provided.
    - b) The existing wooded area within the 100-year floodplain of the Property shall be preserved as an undisturbed open space area/buffer between the existing commercial uses along Route 29 and Cross Creek. Additional landscaping as shown in “Typical Side Yard Buffer Planting” A and B in the Exhibits shall be provided, with sufficient portion of the landscape located above the retaining wall to adequately screen the building and loading area. Minimum 4” caliper trees and 12’ height evergreens shall be utilized along the parking lot from the corner of the Property to a point opposite the eastern edge of the Costco canopy. In no case shall the screening provided be less than that demonstrated on the photographic representation of the screening along Route 29 submitted as part of this application, as

determined by the Director of Community development in conjunction with Site Plan review.

- c) Additional parking lot landscaping shall be provided to comply with Section 7-604.3.g of the Zoning Ordinance.
  - d) Screening shall be provided for all loading areas to comply with Sections 3-504.5.A and 7-604.3.h of the Zoning Ordinance.
  - e) Landscaping shall be provided along Route 600 to comply with the minimum requirements of Section 7-604.3.i.2 of the Zoning Ordinance (minimum of 3 canopy trees, 3 understory trees and 24 shrubs every 100 feet). To avoid conflicts with utilities, the layout shown on the exhibit entitled "Broad Run Church Road –Route 600 Landscaping Exhibit", dated July 16, 2007 will meet minimum standards.
  - f) A minimum 10' wide landscape buffer strip shall be provided along the entire length of Cross Creek Drive (with the exception of entrances and the northernmost  $\pm 80$  feet adjoining the stormwater management pond). The strip shall be planted with no less than 1 canopy tree and 10 shrubs every 35 feet, creating a unified landscaping along Cross Creek Drive. Within the  $\pm 80$ -foot area noted above, shrubs shall be planted in lieu of trees.
22. Applicant shall provide a 36-foot wide interparcel connector road with a public access easement generally in the location and as depicted on the CDP/SE. This connector shall provide for inter-parcel access to adjoining parcels to the east and west of the Property and shall limit the number of entrances into the parking lots as depicted on the Costco parking lot exhibit dated June 21, 2007. The portion of the roadway to the east of Cross Creek Drive shall be constructed with the Costco building and the section to the west of Cross Creek Drive shall be constructed with the first site plan on that side of the road. Parking shall be prohibited on this access easement.
23. Applicant shall construct its Cross Creek Drive/Route 29/15 entrance including left turn lanes, median closure/relocation and other related Route 29/15 work in accordance with the engineering plans and design standards set forth on the Cross Creek Infrastructure Plan (SPMA 05-SC-001) prepared by PHR&A and approved by Community Development on June 5, 2007 (the "Infrastructure Plan"). The Applicant shall install or fund the installation of a traffic signal at the Cross Creek Drive/Route 29/15 intersection at the direction of VDOT. These improvements shall be completed prior to issuance of the first occupancy permit for the Property. This requirement may be modified by the Director of Community Development to accommodate delays caused by VDOT permitting, traffic management or other construction-related issues.

24. Applicant shall construct Cross Creek Drive, including turning lanes, in accordance with the Infrastructure Plan. These roadway improvements shall be completed prior to issuance of the first occupancy permit for the Property.
25. The applicant shall undertake the following additional improvements:
  - a. At the Kelly Road/Route 600 intersection, the turning radius at the southeast corner shall be increased and the utility pole on the southwest corner shall be relocated. To the extent possible, the Kelly Road shall be widened near the intersection to accommodate separate right and left turn lanes. These improvements shall be subject to the availability of right-of-way and approval by VDOT, and shall be completed prior to the issuance of an occupancy permit for the Costco facility.
  - b. At the Route 676/600 intersection, the necessary signage (stop signs and stop ahead warning signs) shall be installed to provide an all-way stop, at such time as this improvement is warranted by VDOT. In addition, “rumble strips” shall be installed on the pavement of the westbound approach to the intersection along Route 600 as approved by VDOT.
  - c. At the Route 600/29 intersection, restripe the existing lanes on Route 600 to accommodate dual left turn movements as approved by VDOT. This improvement shall be made prior to the issuance of an occupancy permit for the Costco facility.
  - d. Widen the Route 600/29 intersection to allow the removal of the split signal phasing for the north/south movements on Route 600. This improvement shall be subject to the availability of right-of-way and approval by VDOT, and shall be made within six months of the issuance of an occupancy permit for the Costco facility.
  - e. The time periods identified within this paragraph may be extended by the Director of Community Development to accommodate delays caused by VDOT permitting, traffic management or other construction-related issues.
26. “Completed” or “completion” of transportation improvements, for the purposes of these Conditions, shall mean that the improvements have been opened for use by the public, but may not have not yet been final paved and/or accepted by VDOT for inclusion in the State System of Secondary Roads.
27. SWM/BMP facilities for the Property may include a variety of engineering surface and sub-surface techniques including low impact development (“LID”) features. Applicant shall work with the Director of Community Development to determine the physical and economic feasibility of implementing LID techniques,

and shall install such features where the Director and Applicant deem it feasible to do so.

28. The Applicant shall provide an internal pedestrian system at Cross Creek linking the uses on the east side of Cross Creek Drive with those on the west side consistent with the proposed system illustrated on the CDP/SE Plat. At site plan design, applicant shall provide enhanced pedestrian crossings of stamped asphalt, brick or similar distinctive material at all major cross walks in accordance with VDOT design criteria as illustrated on the CDP/SE Plat.
29. In addition to the asphalt trail/sidewalk at Route 600 that leads into and through the project, the Applicant shall provide a minimum 5' sidewalk along the Route 600 frontage. The sidewalk may be located within the right-of-way width if allowed by VDOT and constructed to VDOT standards.
30. All tractor-trailer deliveries to and pick-up from the Costco facility shall be made between the hours of 9:00 pm and 9:00 am. Signage shall be placed on the site to require all delivery trucks to turn right onto Cross Creek Drive from the Costco parking area and to exit by way of Route 29/15.
31. Except during a declared local or national emergency, the hours of operation of the Costco facility shall be limited to 10:00 am to 9:00 pm on Monday – Friday, and 9:00 am to 6:00 pm on Saturday and Sunday. The hours of operation for the associated gas pumps shall be 6:00 am to one hour after store closing. Notwithstanding the provisions of this paragraph, the Costco facility shall be permitted to extend its operating hours by not more than 30 hours in any calendar year, provided that it shall not open more than one hour earlier or close more than two hours later, on any calendar day. Such extended hours shall not carry-over if unused in any calendar year. The store shall maintain a record of all store hours unused and provide that record to the Zoning Administrator upon request.
32. A jurisdictional determination of the exact location of wetlands on the site shall be provided prior to or with the first site plan on the west side of Cross Creek Drive. If wetlands are disturbed, US Army Corps of Engineers and/or Virginia state permits shall be required prior to site plan approval, and restrictive covenants as required by the Corps shall be imposed on those lands determined to be subject to federal and state jurisdiction. The overall site layout on the west side may have to be reconfigured to address wetland issues during the wetland permitting process.
33. Preserve and protect all existing vegetation in the conservation easements within the subject property and ensure that no clearing or grading shall be permitted, nor allow the easement areas be denuded, defaced or otherwise disturbed without the prior written approval of the Board of Supervisors. Approval of these Special

Exception(s) and/or Rezoning shall not constitute the written approval referenced above.

34. This special exception does not authorize any construction within the 100-year floodplain. Any work within the 100-year floodplain outside of that approved with SPEX03-SC-028 shall require a separate special exception and an update to the approved floodplain study. Landscaping within the 100-year floodplain shall be permitted, and shall not require a special exception. The design of all stormwater management facilities shall not increase the surface elevation of the 100-year floodplain.
35. Following the placement of the Conspan for Cross Creek Drive, the Applicant shall place a durable sign, four feet by eight feet in size, in a highly visible location stating that all construction traffic for the shopping center shall enter and exit the site from Route 29.

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